

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
CASE NO. 7:16-cv-00016-RJ

)
CYBERNET, LLC; and ALADDIN REAL)
ESTATE, LLC,)
Plaintiffs,)
v.)
JONATHAN DAVID, in his personal capacity)
and his official capacity as District Attorney for)
the 13th Prosecutorial District of North Carolina;)
JAMES McVICKER, in his personal capacity)
and his official capacity as Sheriff of Bladen)
County, North Carolina; and TRAVIS)
DEAVER, in his personal capacity and his)
official capacity as a Deputy Sheriff of Bladen)
County, North Carolina,)
Defendants.)
)

DEFENDANTS JAMES McVICKER
AND TRAVIS DEAVER'S SECOND
APPENDIX TO LOCAL CIVIL
RULE 56.1 MATERIAL FACTS

Pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Civil Rule 56.1(a)(3), Defendants James McVicker and Travis Deaver submit this Second Appendix to their Reply to Plaintiffs' Response to Stated Facts contemporaneously filed with their motion for summary judgment in this matter:

1. Excerpts from Deposition of Chad Britt, August 17, 2017.
2. Excerpts from Deposition of Travis Deaver, September 6, 2015.
3. Excerpts from Deposition of James McVicker, September 14, 2017.
4. Excerpts from Deposition of Morgan Johnson, August 17, 2017.
5. Excerpts from Deposition of Jeffery Tyler, September 5, 2017.
6. Excerpts from Deposition of David Borresen, September 27, 2017.

7. Excerpts from First Deposition of Jeffrey Smith, September 26, 2017.
8. Excerpts of transcript of hearing, *Crazie Overstock Promotions, LLC v. State of North Carolina*, Nov. 2, 2017, pp. 223-24.
9. Excerpts from Crazie Overstock Promotions, LLC appellee brief and Complaint.
10. Excerpt from Deposition of Scott Long, June 15, 2017

Respectfully submitted this the 13th day of April, 2018.

/s/ Patrick G. Spaugh

CHRISTOPHER J. GEIS, N.C. State Bar No. 25523
PATRICK G. SPAUGH, N.C. State Bar No. 49532
WOMBLE BOND DICKINSON (US) LLP
One West Fourth Street
Winston-Salem, NC 27101
Telephone: (336) 721-3600
Facsimile: (336) 721-3660
E-mail: cgeis@wcsr.com
pspaugh@wcsr.com

*Attorneys for Defendants James McVicker and
Travis Deaver*

CERTIFICATE OF SERVICE

I hereby certify that on April 13, 2018, I electronically filed the foregoing **DEFENDANTS JAMES McVICKER AND TRAVIS DEAVER'S SECOND APPENDIX TO LOCAL CIVIL RULE 56.1 MATERIAL FACTS** with the Clerk of Court using the CM/ECF system which will send notice to the following:

ADDRESS(ES):

David J. Adinolfi II
Grady L. Balentine, Jr
North Carolina Attorney General's Office
114 W. Edenton Street
Post Office Box 629
Raleigh, NC 27602-0629
dadinolfi@ncdoj.com
gbalentine@ncdoj.gov
Attorneys for Jonathan David

William J. Brian, Jr.
Keith P. Anthony
MORNINGSTAR LAW GROUP
112 West Main Street, Second Floor
Durham, NC 27701
bbrian@morningstarlawgroup.com
kanthony@moringstarlawgroup.com
Attorneys for Plaintiffs

/s/ Patrick G. Spaugh

PATRICK G. SPAUGH, N.C. State Bar No. 49532
WOMBLE BOND DICKINSON (US) LLP
One West Fourth Street
Winston-Salem, NC 27101
Telephone: (336) 721-3600
Facsimile: (336) 721-3660
E-mail: pspaugh@wCSR.com
*Attorney for Defendants James McVicker and
Travis Deaver*